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Mayor

# CITY OF NEWTON, MASSACHUSETTS

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## NEWTON FARM COMMISSION MEETING MINUTES

November 6, 2008

7:00 p.m. at Newton City Hall

Room 209

Meeting opened at 7:05 PM with the following attendees:

**MEMBERS PRESENT:** P. Lewenberg, Chair, J. Harper, L. Mottard, L. Bruyn, Rick Lipof, D. Lang, V. Schnell arrived at 7:19.

**MEMBERS ABSENT:** J. Hepburn, R. Shoul

**MEMBERS OF THE PUBLIC:** Becka Smillie, Peter Barrer, & Ted Chapman, and Gene Rubin, NCF (and, see attached sign-in sheet)

### Contract – Renewal & Extension

Ouida Young – Law Department – summarized the current contract between NCF, Inc. and the NFC: The contract is 3-year-based, with the option of two 1-yr extensions. The right to extend the contract is unilateral for the NFC, as long as it gives notice to the operator of its intention to extend by December 2, 2008. Beyond this date, the operator can decline to renew the contract. The determination of the NFC of whether to renew the contract should be based on “the best interests of the Angino Farm.” The contract, at the end of its third year, can be extended for one year or for the entire 2-yr period. There should be an articulation of the grounds for the decision by the NFC and a vote taken.

The sub-committee was going to try to determine whether the management contract is subject to M.G.L. 30b (General Procurement Laws). Anne found a memo dating back to the original ordinance relating to the question of whether the hiring of an operator is subject to the General Procurement Law (30b). Ouida said that if 30b applies, the NFC would not be able to extend the contract and would have to go through another solicitation process. However, the memo indicates that the Law Department believes the process could be treated like a “grant application,” for which 30b does not apply. If NFC wants to extend the contract for a long period (longer than the 2-yr period remaining on the present contract), the procedure is to amend the contract and the Commission should consider a ‘re-opener.’ So, for example, the current agreement could be amended to be a 20-yr contract, but be extended at 5-yr intervals until the 20-year end date is reached, and might indicate at the end of a 5-yr period that it wants to do something differently. NFC can also decide at what interval it should re-evaluate.

Ouida recommends the Commission extend the contract for 1 year to allow time to develop the language to

### Newton Farm Commission

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amend the contract. Louise asks if the Commission wants to amend, does it have to put out an open call for a new operator? Ouida says there is no legal necessity to do so, but the Commission has the right to do so. She said it is better not to allow the contract to lapse. The Commission can vote tonight to extend for 2 years then in six months vote to amend to a longer contract.

**Motion by R. Lipof to extend the contract for 2 years. Second by J. Harper. Staff says should evaluate operator prior to vote.** G. Rubin said to settle for a 2-yr extension would be an insult. G. Rubin said that others are approaching Greg Maslowe, the farm manager, [with alternative job offers]. J. Harper reminded G. Rubin that the Commission has already voted (at the last meeting) to seek a 15-year contract. P. Lewenberg offers a strong endorsement for the Newton Community Farm. J. Harper noted that operation of a 15-yr contract is different than a 3-yr contract. For example, a 5-yr business plan is needed instead of a 1-yr plan. Since the contract is due to expire March 2, 2009, a 2-yr extension would end March 2, 2011. J. Harper said the current operator is doing a fantastic job, as evidenced by the sales of CS shares, in terms of farm operations, and with the work on the barn.

**Vote: All in favor. Motion passed.**

P. Barrer added that the Farm Festival had about 1,000 attendees this year. D. Lang noted it is a perfect time to go from a 1-yr contract to a 5-yr contract, along with a 5-yr plan. J. Harper said the Commission members should work with members of the Community Farm, Inc. to decide on benchmarks and wording for the new (amended) contract.

### **Newton Community Farm Inc. Report**

Report on Farm Operation – R. Smillie reported that the farm stand is still open Saturday from 10 to 3-ish. There are still cool-season greens and radishes available, and the Community Farm is still deciding what to do with the green house produce. Greg has finished the year's farming and is speaking at the Zervas School and planning for next year's farm crop(s). Honey is being 'harvested,' and the Farm expects there to be about 30 lbs. of it. Becka also reported the Farm received a check from Whole Foods for \$10,000 for 5% day at 2 stores (the Farm received 5% of receipts from 2 stores). Whole Foods also donated hot food for the Harvest Festival. The Festival made about \$5,000, including \$3,500 from the silent auction. They were very lucky in the weather, which was un-seasonally warm (70 deg.). The fund-raising dinner at Lumiere brought about \$6,500. V. Schnell mentioned that placement of sawhorses made it hard to drop off people who needed wheelchairs. B. Smillie said she wanted to thank the Sam Vogel and the Education Committee for the effort to coordinate the Harvest Festival.

**Motion by P. Lewenberg for Vote of Confidence regarding the Harvest Festival. Second by R. Lipof.**

**Vote: All in favor.**

7:48 D. Lang left to attend another meeting.

Update on Barn Work – deferred until D. Lang returns

### **General Business & Announcements**

Review 3<sup>rd</sup> Qtr. Financial Statement – J. Harper reported that the farm is a little over budget for unrestricted income. There were more CSA shares, but gifts and donations are down a bit, probably because of the fund-raising for the barn work. They are hoping the decrease in donations will be offset by other income, and think that it is just a matter of timing. P. Lewenberg noted that the downturn in the economy will mean they have to work harder to get funds. He said that the attendance at the festival indicated that the farm is really 'growing community.' J. Harper said he sends copies of all the financial statements to the Comptroller's Office.

Officer Elections to be conducted at Nov meet

-- please see Amendment to Ordinance regarding terms of appointments to Farm Commission

Staff reported that Ouida has advised that since the Commission adopted the policies and regulations regarding officers, the Commission could change them at any time, if it wished.

**P. Lewenberg nominated J. Harper to be new Chair. Second by L. Mottard. Vote: P. Lewenberg, L. Mottard, L. Bruyn, R. Lipof, and V. Schnell voted “aye”. J. Harper abstained. Motion passed.**

L. Bruyn nominated P. Lewenberg for Vice Chair. P. Lewenberg declined.

**J. Harper nominated R. Lipof for Vice Chair. Second by P. Lewenberg. Vote: P. Lewenberg, L. Mottard L. Bruyn, J. Harper , and V. Schnell voted “aye”. R. Lipof abstained. Motion passed.**

**Approval of October 2, 08 Minutes –L. Bruyn asked for word additions to clarify information in last month’s minutes. Motion by P. Lewenberg to approve minutes as edited. Second by R. Lipof. Vote: All in favor. Motion passed.**

Reminder: Business Plan due in Jan.

Update on Barn Work - P. Barrer reported that the wall insulation and the shingles are on, and about half of the roof insulation has been installed. The last step is painting the shingles, but colors are still being debated. Basement shoring is being added. And, they are still evaluating options for the barn doors.

P. Lewenberg asked about having more live animals at the farm, since the children were so excited about the chickens someone brought to the festival. G. Rubin said Ledgebrook had made it a condition of supporting the farm that there would be no animals on the farm. It is probably acceptable to bring some in on special days, as for the festival. L. Bruyn said she did not know about Ledgebrook’s concern about having animals on the farm. G. Rubin said it took a fair amount of convincing to get the neighbors to agree to have the beehives on the property.

Meeting ended at 8:59 p.m.

Respectfully submitted,

Anne Phelps, Sr. Environmental Planner

